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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,628	11/12/2003	Thomas Wolf	926536-94607	7988
7590	04/04/2006			EXAMINER
James B. Conte Barnes & Thornburg P.O. Box 2786 Chicago, IL 60690-2786				HAUGLAND, SCOTT J
			ART UNIT	PAPER NUMBER
				3654

DATE MAILED: 04/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/706,628	WOLF, THOMAS
	Examiner Scott Haugland	Art Unit 3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 23 January 2006.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-5 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 5 is purported to claim a wrapped scented toilet paper roller, but no wrapper is claimed.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liu in view of Singer and Mount (Converting Magazine - Metallized Film Barriers: Where to Next?).

Liu discloses a toilet paper roller comprising a first roller half 30, a second roller half 20, solid cylindrical portions and ribbed portions 50 adjacent to each other and forming portions of curvilinear walls of the first and second roller halves, a plurality of scent releasing elements 54 within a hollow chamber formed by the first and second roller halves. The first roller half 30 has an outer diameter greater than the outer diameter of the second roller half 20. The solid cylindrical portion of the second roller half 20 has a portion (to the right of 12 in Fig. 1) having an expanded diameter.

Liu does not disclose that the scent releasing elements 54 are scented beads. Liu does not disclose a wrapper around the toilet paper roller.

Singer teaches forming scent releasing elements as beads having scented oil over them.

Mount teaches providing an airtight wrapper for an article comprising a layer of aluminum coated with polyester to prevent escape of odor or aroma (see p. 1, paragraph 3; pp. 5-6).

The spacing of the ribs and the diameters of the first and second roller halves would have been matters of obvious engineering choice to one having ordinary skill in the art since it would have been a routine matter to determine suitable values for use with a typical paper roll. Note that Liu shows at least 16 ribs on each roller half.

It would have been further obvious to form the scent producing element 54 of Liu with a plurality of scented beads having scented oil over them as taught by Singer since Singer teaches that scented beads would be suitable for providing scent in a toilet paper roller.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Liu with a wrapper as taught by Mount to protect the roller and prevent escape of scent during shipping.

With regard to claim 3, it would have been obvious to make the roller halves of Liu of thermoplastic since Liu shows the roller halves as plastic and it is old and well known to form plastic articles of thermoplastics to facilitate forming by molding.

With regard to claim 4, Liu discloses cylindrical supports bracing the ribs (at the right end of the ribs of roll half 30 and at the left end of the ribs of half 20 in Fig. 1).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Liu (U.S. Pat. No. 5,727,751) in view of Singer (U.S. Pat. No. 4,759,510).

Liu is described above.

Liu does not disclose that the scent releasing elements 54 are scented beads.

Singer teaches forming scent releasing elements as beads having scented oil over them.

The spacing of the ribs and the diameters of the first and second roller halves would have been matters of obvious engineering choice to one having ordinary skill in the art since it would have been a routine matter to determine suitable values for use with a typical paper roll. Note that Liu shows at least 16 ribs on each roller half.

It would have been further obvious to form the scent producing element 54 of Liu with a plurality of scented beads having scented oil over them as taught by Singer since

Singer teaches that scented beads would be suitable for providing scent in a toilet paper roller.

***Response to Arguments***

Applicant's arguments filed 1/23/06 have been fully considered but they are not persuasive.

Applicant argues that the beads disclosed by Singer are different from those of Applicant's invention in that the beads of Applicant's invention are scented and, additionally, have an overlay of scented oil, whereas the beads in Singer have scent absorbed into the micro-porous material of the beads. However, Applicant's disclosure appears to state that the beads are scented only by being coated with a scented oil. There is no indication that any scent bearing material is incorporated within the material of the bead proper 60. E.g., note that the last paragraph of page 7 of the specification merely states that the beads 60 are made of a resilient soft plastic with no indication that there is any other means for providing them with scent other than the layer of oil 7. Further, the beads in Singer read on the claimed scented bead structure. The beads are scented by the scent material that is on and saturates them. The scent material is a liquid since it is capable of saturating the beads and vaporizes to distribute the scent. This liquid is seen to be an oil as the term is broadly used by Applicant.

Applicant argues that Mount is directed to the food industry and does not suggest the use of metallized films for toilet paper dispensers. However, the disclosure of Mount is not limited to the food industry. Mount sets forth criteria for selection of packaging

material based on the requirements of the particular goods to be packaged. An ordinary artisan would be capable of applying the teachings of Mount to the problem of packaging any scent or aroma producing goods.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. The new ground of rejection was necessitated by the amendment to claim 1 to recite a wrapper disposed around the toilet paper roller providing an airtight barrier. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Haugland whose telephone number is (571) 272-6945. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

APF  
sjh  
3/28/06

*Kathy Matecki*

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